

Panaji, 6th October, 1983 (Asvina 14, 1905)

SERIES II No. 27

OFFICIAL GAZETTE



GOVERNMENT OF GOA, DAMAN AND DIU

GOVERNMENT OF GOA, DAMAN AND DIU

Department of Personnel and Administrative Reforms

Order

No. 1/5/83-PER

Read: Government Order No. 3/7/77-PER(Vol. III)-A dated 3rd June, 1980.

The declaration of the following posts as Grade II Duty Posts of Goa, Daman & Diu Civil Service made vide order cited above is hereby cancelled with immediate effect:-

1. Under Secretary (Law).
2. Draftsman subsequently re-designated as Under Secretary (Drafting).

By order and in the name of the Administrator of Goa, Daman and Diu.

N. P. Gaunekar, Under Secretary (Personnel).

Panaji, 24th September, 1983.

Secretariat Administration and Coordination Division

Notification

No. 1/18/69-SA&C (Vol. III)

Read: i) Government Notification of even number dated 4-8-1983.

ii) Government Notification of even number dated 13-9-1983.

The departmental examination fixed for the Officers in the cadre of Mamlatdars/B.D.Os (including Jt. Mamlatdars/Enquiry Officers, City Survey) fixed from 19-10-1983 to 22-10-1983 under Government Notification dated 13-9-1983 cited above will now be held on the following dates:

Date	Morning Session 10.00 a. m. to 1.00 p. m.	Evening Session 2.30 p. m. to 5.30 p. m.
1	2	3
15-10-83	Paper I	Paper VI
16-10-83 (Sunday)	Paper II	Paper III
17-10-83 (Public Holiday)	Paper IV	Paper V
18-10-83	Paper VII	—

The venue of the examination remains unchanged.

This issues in partial modification of the above referred Notifications.

By order and in the name of the Administrator of Goa, Daman and Diu.

G. H. Mascarenhas, Under Secretary (S. A. & C.).

Panaji, 1st October, 1983.

Home Department (General)

Order

No. 7-76-83/HD(G)

On expiry of the term of the present Managing Committee of the Special Fund of Reconstruction and Rehabilitation of Ex-servicemen in the Union Territory of Goa, Daman and Diu constituted vide Government order No. GHD-22-13 dated 27-5-1981, Government is pleased to reconstitute the Managing Committee of the said Special Fund as follows:-

Chairman:

The Lieutenant Governor of Goa, Daman and Diu.

Vice-Chairman:

1. The Chief Secretary, Government of Goa, Daman and Diu.
2. The Flag Officer Commanding in Chief, Southern Naval Command, Cochin, or an Officer of the Navy of the rank of Rear Admiral, authorised by him.

Members:

1. Brigadier K. F. D'Lima (Retd.) 53, Defence Colony, Alto-Porvorim, Bardez, Goa. Nominees of the Chief of Staff Committee.
2. Wing Commander S. M. Prabhu Dessai (Retd.) House No. 258, Comba P. B. No. 87, Margao-Goa. Nominees of the Union Territory Administration.
3. Smt. Asha Vishwanath Sawardekar, Welfare Officer, Providoria, Panaji-Goa. Representative of Ministry of Defence India.
4. Dr. Shashikant T. Shirsat, Tisca, Ponda, Goa. Member Secretary.
5. The Additional Secretary (Defence), Government of India. Member Secretary.
6. Shri B. Nazareth, Major (Retd.), Secretary, Goa, Daman and Diu Rajya Sainik Board.

2. The Committee is reconstituted for a period of two years from the date of this Order and in accordance with Government of India Notification S. R. O. 234 dated 27-9-1966 read with S. R. O. 15 dated 21-1-76.

By order and in the name of the Administrator of Goa, Daman and Diu.

M. S. Sail, Under Secretary (Home).

Panaji, 23rd September, 1983.

Works, Education and Tourism Department

Order

No. DT/PL-TDC/666/77/Part.I

Read: Order No. 3/17/74-PER(Vol. III) dated 23-9-1983 from the Department of Personnel and A. R., Secretariat-Panaji.

On the placement of the services of Shri V. A. P. Mahajan, Director of Tourism, Government of Goa, Daman and Diu at the disposal of this Department the Administrator of Goa, Daman and Diu is pleased to appoint Shri V. A. P. Mahajan as Joint Director of the Goa, Daman and Diu Tourism Development Corporation with immediate effect until further orders in addition to his own duties.

The appointment is made in terms of Article 112 of Articles of Association of the Goa, Daman and Diu Tourism Development Corporation Ltd.

By order and in the name of the Administrator of Goa, Daman and Diu.

T. S. Khandeparkar, Under Secretary (WET) to the Govt. of Goa, Daman and Diu.

Panaji, 24th September, 1983.

Order

No. 12/13/83/WET/VI

Read: — i) Government Order No. DE/Tech/A/54/66/12370 dated 11/5/67.

ii) Government Order No. DE/Tech/A/224/69/32783 dated 20/5/70.

Shri Sachindra Nath Gupta is hereby temporarily appointed as Associate Lecturer in Civil Engineering in Goa College of Engineering with effect from 12-9-83 (F.N.) in the scale of Rs. 650-950/- plus the usual allowances admissible from time to time as per rules.

The appointment is subject to the conditions specified in the Office Memorandum of even number dated 23/5/83 and the rules and regulations laid down by the Government from time to time.

Notification

No. 4/37/82/WET

Read: Govt. Notification of even number dated 22-9-1983.

In supersession of the Government Notification quoted above, the Government of Goa, Daman and Diu is pleased to transfer the following assets of the Department of Tourism, Panaji to the Goa, Daman and Diu Tourism Development Corporation, Panaji at book value indicated as shown below:

Name of the Establishment	Book Value	To be taken with effect from	Remarks
1. Tourist Hostel, Panaji.	Rs. 13,79,000	1-2-1982	—
2. Tourist Resort, Calangute.	Rs. 3,80,000	1-2-1982	—
3. Tourist Cottages, Colva.	Rs. 1,60,000	1-2-1982	This does not include cost of land.
4. Tourist Dormitory, Calangute.	Rs. 54,000	1-2-1982	This amount represents cost of renovation of an existing structure.
Book value of buses		To be transferred with effect from	
1. GDT 9857 — Rs. 1,99,895-66		1-10-1983	
2. GDT 9858 — Rs. 1,99,895-66		1-10-1983	
3. GDT 9876 — Rs. 2,11,290-00		1-10-1983	
4. GDT 9877 — Rs. 2,11,290-00		1-10-1983	
5. GDT 9451 — Rs. 57,966-53 (mini-bus)		1-10-1983.	

This issues with the concurrence of the Finance Secretary vide their U. O. Note No. FS/1854/82 dated 1-10-1982 and the approval of the Government of India, Department of Tourism's letter No. 9/9/80-PSU(T) dated 29-1-1983.

By order and in the name of the Administrator of Goa, Daman and Diu.

T. S. Khandeparkar, Under Secretary to the Govt. of Goa, Daman and Diu.

Panaji, 3rd October, 1983.

The appointment is purely on ad-hoc basis and it will not bestow on the appointee any claim for regular appointment, promotion to higher post and seniority and will be liable to be terminated by one month's notice.

The appointment is liable for termination in case the character and antecedents of the appointee are adverse so as to disqualify him from holding a post under Government.

By order and in the name of the Administrator of Goa, Daman and Diu.

T. S. Khandeparkar, Under Secretary to the Government of Goa, Daman and Diu.

Panaji, 29th September, 1983.

Order

No. 12/13/83/WET/III

Read: — Govt. Order No. DE/TECH/A/54/66/12370 dated 11/5/67.

Shri Raj Avatar Singh is hereby temporarily appointed as Associate Lecturer in Mechanical Engineering in Goa College of Engineering with effect from 14-7-83 (A.N.) in the scale of Rs. 650-950/- plus the usual allowances admissible from time to time as per rules.

The appointment is subject to the conditions specified in the Office Memorandum of even number dated 23-5-83 and the Rules and Regulations laid down by the Government from time to time.

The appointment is purely on ad-hoc basis and it will not bestow on the appointee any claim for regular appointment, promotion to higher post and seniority and will be liable to be terminated by one month's notice or without payment of one month's salary in lieu of notice.

The appointment is liable for termination in case the character and antecedents of the appointee are adverse so as to disqualify him from holding a post under Government.

By order and in the name of the Administrator of Goa, Daman and Diu.

T. S. Khandeparkar, Under Secretary to the Government of Goa, Daman and Diu.

Panaji, 29th September, 1983.

Forest and Agriculture Department

Order

No. 2-4-83/AGR

The Administrator of Goa, Daman and Diu is pleased to appoint on ad-hoc basis the below mentioned Technical Assistants working under the Directorate of Agriculture to the post of Mechanical Cultivation Officer (Group 'B' Gazetted) in the pay scale of Rs. 650-30-740-35-810-EB-35-880-40-1000-EB-40-1200 created vide Order No. 2/1/83-AGR dated 16-4-1983 with effect from the date of taking over the charge and to post them in the Offices shown against their names:—

Sr. No.	Name of the Officer	Place of posting
1.	Shri Johnson Godinho	Mechanical Cultivation Office, Curchorem.
2.	Shri Francis C. Furtado	Mechanical Cultivation Office, Valpoi.

2. The above promotion will not bestow on the promotees any claim for regular appointment and the services rendered in the grade will not count for the purpose of seniority in the grade and for eligibility for promotion to the next higher grade.

3. The expenditure on their pay and allowances will be debited to the Head of Accounts "305-Agriculture, G-Agriculture Engineering G. 1 Tractor and Bulldozer Organisation-Agricultural Machinery and Implements, G-1(1) Salaries (Plan)".

By order and in the name of the Administrator of Goa, Daman and Diu.

S. M. Naik, Under Secretary to the Govt. of Goa, Daman and Diu.

Panaji, 24th September, 1983.

Local Administration and Welfare Department

Notification

No. 1-1-82-HB

Read: Government Notification No. 1-1-82-HB, dated 25-9-1982, 1-2-1983 and 6-8-1983.

The Administrator of Goa, Daman and Diu is pleased to extend further the time limit contained in the Notification of even number dated 6-8-1983 for a period upto 31-10-1983 or till the Housing Board is reconstituted, whichever is earlier.

By order and in the name of the Administrator of Goa, Daman and Diu.

A. V. Pimenta, Under Secretary to the Government of Goa, Daman and Diu.

Panaji, 28th September, 1983.

Office of the Registrar of Cooperative Societies

No. 50/2/81/TS

Read: This office order of even No. dated 7-6-1982 issued under Section 77A(1)(e)(ii) of the Maharashtra Cooperative Societies Act, 1960 as applied to the Union Territory of Goa, Daman and Diu, appointing Shri S. V. Bhadri, the then Asstt. Registrar Coop. Societies Panaji, as Administrator of the Goa, Daman and Diu Coop. Fisheries Federation Ltd., Panaji, to manage its affairs.

Order

In partial modification to this office order cited above and in terms of the provisions of clause (e)(ii) of Sub-Section (1) of Section 77A of the Maharashtra Cooperative Societies Act, 1960, I, Jose Philip, Registrar of Coop. Societies, Goa, Daman and Diu, for administrative reasons hereby appoint the following as Administrators of the Goa, Daman and Diu Cooperative Fisheries Federation Ltd., Panaji, vice Shri S. V. Bhadri (transferred as Under Secretary (Health)) to manage the affairs of the said Federation:—

1. Shri R. V. Phadte — Chairman.
2. Shri Manohar G. Parab Gaonkar — Member.
3. Shri V. G. Patil, Assistant Registrar, Coop. Societies — Member.

This order will come into force with effect from 1-10-1983.

Jose Philip, Registrar of Coop. Societies.

Panaji, 27th September, 1983.

Order

No. 50/2/81/TS

Read: This office order No. 50/2/81/TS dated 7-6-82 passed under Section 77A(1)(e)(ii) of the Maharashtra Coop. Societies Act, 1960, as applied to the Union Territory of Goa, Daman and Diu, appointing Shri V. G. Patil, Asstt. Registrar of Cooperative Societies, Panaji as Administrator of the Goa, Daman and Diu Coop. Housing Finance Society Ltd., Panaji to manage the affairs of the said Society.

Order

In partial modification to this office order cited above and in terms of clause (e) (ii) of Sub-Section (1) of Section 77A of the Maharashtra Coop. Societies Act, 1960, as applied to the Union Territory of Goa, Daman and Diu, I, Jose Philip, Registrar of Coop. Societies, Goa, Daman and Diu, Panaji, for administrative reasons hereby appoint Shri D. V. Sathe, Asstt. Registrar of Coop. Societies (Head-quarters) Panaji, as Administrator of the Goa, Daman and Diu Coop. Housing Finance Society Ltd., Panaji vice Shri V. G. Patil, to manage the affairs of the aforesaid Society.

This order shall come into force with effect from the date of Shri Sathe takes over the charge of the aforesaid Society.

Jose Philip, Registrar of Coop. Societies.

Panaji, 27th September, 1983.

Order

No. 48/1/81/TS

Read: Letter dated 17-8-83 from Shri G. R. Sharma, Advocate High Court, 'Chandra Sadan' 1st Floor, Menezes Braganza Road, Panaji.

By virtue of the powers delegated to me vide Govt. Order No. CDB/Coop/1198/68-71 dated 20-5-1971 under Sub-Section (1) of Section 93 of the Maharashtra Coop. Societies Act, 1960 as applied to the Union Territory of Goa, Daman and Diu read with Rule 73(1) of the Coop. Societies Rules, 1962 I, L. T. de Menezes, Dy. Registrar of Coop. Societies, Goa, Daman and Diu, Panaji am pleased to appoint Shri G. R. Sharma, Advocate, Panaji to perform the duties of Registrar's Nominee for deciding the disputes arising in any of the Cooperative Societies functioning under the jurisdiction of Asst. Registrar of Coop. Societies, Central Zone, Panaji with immediate effect until further orders.

L. T. de Menezes, Dy. Registrar of Coop. Societies.

Panaji, 29th September, 1983.

Order

No. 48/1/81/TS

Read:—Letter dated 27-8-1983 from Shri Anthony F. D' Souza, Advocate, Gaumsavaddo, Mapusa.

By virtue of the powers delegated to me vide Government Order No. CDB/Coop/1198/68-71 dated 20-5-1971 under Sub-Section (1) of Section 93 of the Maharashtra Coop. Societies Act, 1960 as applied to the Union Territory of Goa, Daman and Diu read with Rule 73(1) of the Coop. Societies Rules, 1962, I, L. T. de Menezes, Dy. Registrar of Coop. Societies, Goa, Daman and Diu, Panaji am pleased to appoint Shri Anthony F. D'Souza, Advocate, Mapusa to perform the duties of Registrar's Nominee for deciding the disputes arising in any of the Cooperative Societies functioning under the jurisdiction of Asstt. Registrar of Coop. Societies, North Zone, Mapusa with immediate effect until further orders.

L. T. de Menezes, Dy. Registrar of Coop. Societies.

Panaji, 29th September, 1983.

Office of the Asstt. Registrar of Cooperative Societies

Notification

In exercise of the power vested in me under section 9(1) of the Maharashtra Coop. Societies Act, 1960, as applied to the Union Territory of Goa, Daman and Diu Tiswadi Taluka Primary Teachers Coop. Credit Society Ltd., Panaji is registered code symbol No. ARCS/CZ/3(b)/8/Goa.

V. G. Patil, Asstt. Registrar of Coop. Societies, Central Zone.

Panaji, 26th August, 1983.

Notification

In exercise of the powers vested in me under Section 9(1) of the Maharashtra Cooperative Societies Act, 1960, as applied to the Union Territory of Goa, Daman and Diu, Mandar Cooperative Housing Society Ltd., Ponda-Goa is registered under code symbol No. HSG-(b)-106/Goa.

L. T. de Menezes, Dy. Registrar of Coop. Societies.

Panaji, 5th September, 1983.

Certificate of Registration

Mandar Coop. Housing Society Ltd., Ponda-Goa has been registered on 5-9-1983 and it bears registration No. HSG-(b)-106/Goa and it is classified as Housing Society under Sub-Classification No. 5(b). Tenant Co-partnership Housing Society in terms of Rule 9 of the Cooperative Societies Rules, 1962, for the Union Territory of Goa, Daman and Diu.

L. T. de Menezes, Dy. Registrar of Coop. Societies.

Panaji, 5th September, 1983.

Office of the Civil Administrator and Dy. Registrar of Cooperative Societies, Diu

Notification

No. 10-49-83-COOP/935

Read: This Office letter No. CAD/SACS/IND/24-II/80-81/754 dated 10-9-1980 calling upon the Shri Mazoor Kamdar Sahakari Mandli Lt., Diu to submit its explanation if any, as to why the society should not be wound up.

Order

In virtue of the powers vested in me under Section 102 c(1) of the Maharashtra Cooperative Societies Act, 1960 as applied to the Union Territory of Goa, Daman and Diu, the above mentioned society was called upon to submit its explanation as to why the society should not be taken into liquidation. However, no any reply has been received from the society to the aforesaid letter and neither any activities have been taken up since its inception to till date, hence, I am satisfied that there is no objection in regard to the society being taken into liquidation.

Therefore, I, Shri R. P. Pal, Civil Administrator and Dy. Registrar of Cooperative Societies, Diu hereby confirm the aforesaid order in terms of Section 102(2) of the afore-

said Act as applied to the Union Territory of Goa, Daman and Diu.

Further under Section 103(1) of the Maharashtra Cooperative Societies Act, 1960 as applied to the Union Territory of Goa, Daman and Diu read with Rule 86(1) of the Cooperative Societies Rules 1962, I hereby appoint Shri G.H. Bamanian, Grader/Assessor of Block Development Office, Diu as liquidator of the society.

Sd/-.

(R. P. Pal), Civil Administrator and Dy. Registrar of Coop. Societies.

Diu, 2nd September, 1983.

Notification

No. 10-49-83-COOP/934

Read: This office letter No. CAD/SACS/IND/24-II/80-81/753 dated 10-9-1980 calling upon the Govt. Employees Housing Coop. Society Ltd., Ghogla to submit its explanation if any, as to why the society should not be wound up.

Order

In virtue of the powers vested in me under Section 102 c(1) of the Maharashtra Cooperative Societies Act, 1960 as applied to the Union Territory of Goa, Daman and Diu, the above mentioned society was called upon to submit its explanation as to why the society should not be taken into liquidation. However, no any reply has been received from the society to the aforesaid letter and neither any activities have been taken up since its inception to till date, hence, I am satisfied that there is no objection in regard to the society being taken into liquidation.

Therefore, I, Shri R. P. Pal, Civil Administrator and Dy. Registrar of Cooperative Societies, Diu hereby confirm the aforesaid order in terms of Section 102(2) of the aforesaid Act as applied to the Union Territory of Goa, Daman and Diu.

Further, under Section 103(1) of the Maharashtra Cooperative Societies Act, 1960 as applied to the Union Territory of Goa, Daman and Diu read with Rule 86(1) of the Cooperative Societies Rules, 1962, I hereby appoint Shri G. H. Bamanian, Grader/Assessor of Block Development Office, Diu as liquidator of the society.

Sd/-.

(R. P. Pal), Civil Administrator and Dy. Registrar of Coop. Societies.

Diu, 2nd September, 1983.

Revenue Department

Notification

No. 22/32/83-RD.

Whereas by Government Notification No. 22/32/83-RD dated 17-3-83 published on pages 714-715 of Series II No. 53 of the Official Gazette dated 31-3-83 it was notified under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as "the said Act") that the land specified in the schedule appended to the said Notification (hereinafter referred to as the "said land") was likely to be needed for public purpose viz. Minor M2 of S.I.P. Canal at Cacora, Quepem (Part-II).

And whereas the Government is of the opinion that its acquisition is urgently necessary, the provisions of sub-section (1) and sub-section (4) of Section 17 of the said Act

are made applicable, and that the Collector appointed under paragraph 2 below, shall at any time, on expiry of 15 days from the publication of notice relating to the said land under sub-section (1) of Section 9 of the said Act, take possession of the said land.

Now, therefore, the Government is pleased to declare under the provisions of Section 6 of the said Act that the said land is required for the public purpose specified above.

2. The Government is also pleased to appoint under clause (c) of Section 3 of the said Act, the Special Land Acquisition Officer, Sanguem, to perform the functions of the Collector for all proceedings hereinafter to be taken in respect of the said land, and to direct him under Section 7 of the said Act to take order of the acquisition of the said land.

3. A plan of the said land can be inspected at the office of the Special Land Acquisition Officer, Sanguem till the award is made under Section 11.

SCHEDULE

(Description of the said land)

Sr. No.	Taluka	Village	Survey No.	Plot No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3	4	5	6	7
	Quepem	Cacora	339	1/part	H: Anand Narayan Katarak. H: Raghuvir G. Katarak. T: Carlota Barreto.	350.00

1	2	3	4	5	6	7
Quepem	Cacora	352	5/part	H: Anand N. Katakhar. H: Raghuvir G. Katakhar. T: Carlota Barreto.		325.00
— do —	— do —	— do —	8/part	H: Anand N. Katakhar. H: Raghuvir G. Katakhar. T: Hari Kashinath Sawant.		200.00
— do —	— do —	— do —	9/part	H: Anand N. Katakhar. H: Raghuvir G. Katakhar. T: Yeshwant B. Sawant.		25.00
— do —	— do —	— do —	10/part	H: Anand N. Katakhar. H: Raghuvir G. Katakhar. T: Jose Rebello.		10.00
— do —	— do —	— do —	11/part	H: Anand N. Katakhar. H: Raghuvir G. Katakhar. T: Dumingo Mascarenhas.		300.00
— do —	— do —	— do —	12/part	T: Joaquim Mascarenhas. H: Anand N. Katakhar. H: Raghuvir G. Katakhar. T: Antonio Piedade Barreto.		500.00
— do —	— do —	— do —	13/part	H: Anand N. Katakhar. H: Raghuvir G. Katakhar. T: Custodio Pedro Barreto.		675.00
— do —	— do —	— do —	14/part	H: Anand G. Katakhar. H: Raghuvir G. Katakhar. T: Hari Kashinath Sawant.		100.00
— do —	— do —	— do —	15/part	H: Anand N. Katakhar. H: Raghuvir G. Katakhar. T: Yeshwant Bombul Sawant.		1200.00
— do —	— do —	— do —	16/part	H: Anand N. Katakhar. H: Raghuvir G. Katakhar. T: Hari Kashinath Sawant.		850.00
— do —	— do —	353	1/part	H: Anand Jayram Katakhar. H: Raghuvir G. Katakhar.		1075.00 325.00
				T: Ramchandra Ganesh Naik Dessai. T: Chandrakant Ganesh Naik Desai. As per D. C. 75.		1400.00
Total						5935.00

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

A. V. Pimenta, Under Secretary (Revenue-I).

Panaji, 28th September, 1983.

Notification

No. 22/52/82-RD

Whereas by Government Notification No. 22/52/82-RD dated 19-6-82 published on page 180 of Series II, No. 14 of the Official Gazette, dated 1-7-82 it was notified under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as "the said Act") that the land specified in the schedule appended to the said Notification (hereinafter referred to as the "said land") was likely to be needed for the public purpose viz. For Rehabilitation of affected families for construction of approach road to Zuari Bridge at Cortalim.

And Whereas the appropriate Government (hereinafter referred to as "the Government") is satisfied after considering the report made under sub-section (2) of Section 5A of

the said Act, that the said land specified in the schedule hereto is needed to be acquired for the public purpose specified above.

Now, Therefore, the Government is pleased to declare under the provisions of Section 6 of the said Act that the said land is required for the public purpose specified above.

2. The Government is also pleased to appoint under clause (c) of Section 3 of the said Act, the Land Acquisition Officer, P.W.D. (CELL), Altinho-Panaji to perform the functions of a Collector for all proceedings hereinafter to be taken in respect of the said land, and to direct him under Section 7 of the said Act to take order for the acquisition of the said land.

3. A plan of the said land can be inspected at the office of the said Land Acquisition Officer P.W.D. (CELL), Altinho-Panaji till the award is made under Section 11.

SCHEDULE

(Description of the said land)

Sr. No.	Taluka	Village/Ward	Plot No.	Survey No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3	4	5	6	7
	Mormugao	Cortalim	—	24/2	H: V. M. Salgaonkar & Brothers. T: Lourenco Jose Monteiro. Avelin Vaz. Albert Monteiro. Lourenco Monteiro. Joaquina Colaco.	318.00
	— do —	— do —	—	24/3	H: V. M. Salgaonkar & Brothers.	122.00

1	2	3	4	5	6	7
Mormugao	Cortalim	—	25/1	H: V. M. Salgaonkar & Brothers. Antonio Jose Fernandes. Joao F. Camilo. Luis Gabriel Fernandes. Maria Clarina Fernandes. Antonio J. Dias. T: Lourenco J. Monteiro. Albert Monteiro. Avelino Vaz. Joaquina Colaco. T: Lourenco Monteiro.		5,029.00
— do —	— do —	—	25/1			
Boundaries:						
North: Survey No. 24/2, 3, Survey No. 25.						
South: Survey No. 24/2, 3, Survey No. 25.						
East: Survey No. 25.						
West: Road and Survey No. 25.						
Total						5,469.00

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

A. V. Pimenta, Under Secretary (Rev. I).

Panaji, 28th September, 1983.

Notification

No. 22/114/83-RD

Whereas it appears to the Appropriate Government (hereinafter referred to as "the Government") that the land specified in the schedule hereto (hereinafter referred to as the "said land") is likely to be needed for public purpose viz. for construction of road to Nuem vada in V. P. Cola,

Therefore the Government is pleased to notify under Sub-section (1) of Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as the "said Act") that the said land is likely to be needed for the purpose specified above.

2. All persons interested in the said land are hereby warned not to obstruct or interfere with any surveyor or other persons employed upon the said land for the purpose of the said acquisition. Any contracts for the disposal of the said land by sale, mortgage, assignment, exchange or otherwise, or any outlay commenced or improvements made thereon without the sanction of the Collector appointed in paragraph 4 below, after the date of the publication of this Notification, will under clause (seventh) of Section 24 of the said Act, be disregarded by him while assessing compensation for such parts of the said land as may be finally acquired.

3. If the Government is satisfied that the said land is needed for the aforesaid purpose, a declaration to that effect

under Section 6 of the said Act will be published in the Official Gazette, in due course. If the acquisition is abandoned wholly or in part, the fact will be notified.

4. The Government is further pleased to appoint under clause (c) of Section 3 of the said Act the Land Acquisition Officer, P.W.D. (CELL), Altinho-Panaji to perform the functions of a Collector under the said Act in respect of the said land.

5. The Government is also pleased to authorise under Sub-section (2) of Section (4) of the said Act, the following officers to do the acts, specified therein in respect of the said land.

1. The Collector of Goa, Panaji.
2. The Land Acquisition Officer, P.W.D. (CELL), Altinho-Panaji.
3. The Executive Engineer, Works Division VI, Fatorda-Margao-Goa.
4. The Director of Land Survey, Panaji.

6. A rough plan of the said land is available for inspection in the office of the Land Acquisition Officer, P.W.D. (CELL), Altinho-Panaji, for a period of 30 days from the date of publication of this Notification in the Official Gazette.

SCHEDULE

(Description of the said land)

Sr. No.	Taluka	Village/City	Survey No. P. T. Sheet No.	Sub-Div. No. Chalta No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3	4	5	6	7
	Canacona	Cola	341	2/part	1. Avelina Cardoz.	325.00
	"	Prai, Nuvem		1/part	1. Shrirang Padhbanabha Desai.	725.00
	"	Cola	342	1/part	1. Filiciano Bendita Fernandes.	425.00
	"	Gharbhat	342	2/part	1. Luis Piedade Fernades.	175.00
	"	"	— do —	3/part	2. Floriano Fernandes.	
	"	"	— do —	4/part	3. Emelia Lobo.	
	"	"	— do —	5/part	1. Luis Piedade Fernades.	25.00
	"	"	— do —	6/part	2. Antonio Mangenal Fernades.	
	"	"	— do —	6/part	3. Floriano Fernades.	
	"	"	— do —	6/part	4. Andrean Custodia Rodrigues.	
	"	"	— do —	6/part	5. Joselina Rodrigues.	
	"	"	— do —	6/part	1. Andrean Custodia Rodrigues.	50.00
	"	"	— do —	6/part	2. Joselino Rodrigues.	
	"	"	— do —	6/part	1. Joaquim Mariano Fernades.	400.00
	"	"	— do —	6/part	2. Francisco Lourence Fernandes.	
	"	"	— do —	6/part	3. Francisco Xavier Fernandes.	
	"	"	— do —	6/part	Part of house owned by Pedro Jose Pereira.	
	"	"	— do —	6/part	1. Ancecao Lules Perira.	25.00
	"	"	— do —	6/part	2. Pedro Jose Pereira.	

1	2	3	4	5	6	7
Canacona	Cola		8/part	1. Constantino Francisco.		175.00
	Gharbhat		10/part	2. Xavier Fernandes.		
		343	8/part	1. Filiciano Bebedita Sebastio Fernandes.		50.00
		— do —		1. Joaquim Mariano Fernandes.		50.00
				2. Francisco Xavier Fernandes.		
				3. Francisco Lourence Fernandes.		
				4. Caetano Piedade Fernandes.		
				5. Caetano Roque Fernandes.		
				6. Marcelino Jose Quzario Fernandes.		
				7. Francisco Xavier Babush Fernandes.		
				8. Lourence Caetano Fernandes.		
				9. Caetano Silvestre Fernandes.		
				10. Serolina Alfonso.		
				11. Recardo Fernandes.		
				12. Constantivia Xavier Fernandes.		
			7/part	1. Rosalina Barreto.		25.00
			2/part	1. Luis Piedade Fernandes.		150.00
				2. Emelin Lobo.		
				3. Florianio Fernandes.		
				<i>Boundaries:</i>		
				North: S. No. 341/1,2, 342/1.		
				Road 343/10 8,7,2,3,1,9,4,5, 348/4. 348/5,6,7,8,		
				9,10,11,12,13,14,15,16,17,18,19,20,21,22,23,24,		
				33,34,32.		
				South: S. No. 341/1,2.		
				Roads. S. No. 342/1,2,3,4,5,6,8, 348/1,2,3,4,5,6,		
				7,8,9,10,11,12,13,14,15,16,17,18,19,20,21,22,		
				23,34,32.		
				East: Village boundary of Naquerim village.		
				West: Nala.		
				1. Luis Piedade Fernandes.		25.00
				2. Antonio Minguel Fernandes.		
				3. Florina Fernandes.		
				4. Andreano Custodia Rodrigues.		
				5. Joselina Rodrigues.		
			1/part	1. Andreano Custodio Rodrigues.		1200.00
			9/part	2. Joselina Rodrigues.		
				1. Joaquim Mariano Fernandes.		125.00
				2. Francisco Xavier Fernandes.		
				3. Francisco Lourence Fernandes.		
			4/part	1. Licardinio Cardoz.		175.00
				2. Andrew Severino Fernandes.		
				1. Ancecao Luis Pariera.		125.00
			5/part	1. Caetano Piedade Fernandes.		100.00
			1/part	2. Rosy Gonsulino Noronha.		
				3. Caetanio Silvestre Fernandes.		
				4. Heranejita Lobo.		
				5. Bendita Lobo.		
				6. Joaquim Xavier Fernandes.		
				7. Marcelina Jose Ruzario Fernandes.		
				8. Caltaro Roque Fernandes.		
				9. Aulena Fernandes.		
				10. Tomacina Constoadin Fernandes.		
				11. Caetinao Fernandes.		
				12. Andrean Custodio Fernandes.		
				13. Joselina Rodrigues.		
				14. Pedro Fernandes.		
				15. Cruz Fernandes.		
			2/part	1. Avelina Fernandes.		75.00
			3/part	1. Marcelina Jose Rozeria Fernandes.		50.00
				2. Caetiano Roque Fernandes.		
			4/part	1. Joaquim Xavier Fernandes.		50.00
			5/part	1. Hermonito Lobo.		50.00
			6/part	1. Pedro Fernandes.		50.00
				2. Cruz Fernandes.		
				Caetanio Silvastiro Fernandes.		50.00
			7/part	1. Andrean Custododeo Rodrigues.		50.00
			8/part	2. Joselina Rodrigues.		
				3. Benardina Rodrigues.		
			9/part	1. Cartino Silvestino Fernandes.		50.00
			10/part	1. Caetano Piedade Fernandes.		50.00
			11/part	1. Rosy Gonsallina Norenhe.		50.00
			12/part	1. Tomaina Constantinao Fernandes.		50.00
			13/part	1. Caetano Fernandes.		75.00
			14/part	1. Tomacina Costantino Fernandes.		75.00
			15/part	1. Avlina Fernandes.		75.00
			16/part	1. Marcalina Jose Ruzeria Fernandes.		100.00
				2. Caetano Roque Fernandes.		
			17/part	1. Joao Xavier Fernandes.		25.00
			18/part	1. Caetano Piedade Fernandes.		25.00
			19/part	1. Harneille Lobo.		100.00
				2. Hendiaite Lobo.		
			20/part	1. Pedro Fernandes.		75.00
				2. Cruz Fernandes.		

1	2	3	4	5	6	7
Canacona	Cola	148	21/part 22/part	1. Caetano Silvastre Fernandes. 1. Andream Custodio Rodrigues. 2. Joselina Rodrigues. 3. Bernandina Rodrigues.		75.00 75.00
			23/part 24/part	1. Rosy Gonsaline Noronha. 1. Caetano Fernandes.		75.00 100.00
	Cola		33/part	1. Antonio Santano Fernandes.		75.00
	Santa		34/part	1. Maria Avelina Fernandes.		275.00
	Shanta		32/part	1. Maria Antonio Lobo Fernandes. 2. Afiano Maria Fernandes. 3. Apolinario Mouricio Fernandes. 4. France Carlos Constantiano.		800.00
	Codamoll					
Boundaries:						
North: S. No. 341/1, 2, 342/1, Road 343/ /10, 8, 7, 2, 3, 1, 9, 4, 5, 348/4. 348/5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 33, 34, 32.						
South: S. No. 341/1, 2, Roads. S. No. 342/1, 2, 3, 4, 5, 6, 8, 348/1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 34, 32.						
East: Village boundary of Naquerim Village.						
West: Cola.						
Total						6950.00

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

A. V. Pimenta, Under Secretary (Revenue-I).

Panaji, 28th September, 1983.

Industries and Labour Department

Order

No. 2/18/83-ILD

In exercise of the powers conferred in him under rule 12 of the Goa Government Seniority Rules, 1967, read with Rule 2 of the said Rules, the Administrator is pleased to finalise the seniority of the Executive Engineers (Electrical) in the Electricity Department of this Administration, as shown in the attached statement.

By order and in the name of the Administrator of Goa, Daman and Diu.

S. D. Sadhale, Under Secretary (Industries and Labour).

Panaji, 17th September, 1983.

Seniority list of Officers in the Grade of Executive Engineer as on 31-8-1983

Sr. No.	Name of the Officer	Whether belongs to S. Cs/S.T. If not, say neither	Date of birth	Date of regular appointment to the grade	U. P. S. C. reference in which recommended/ approved	Post held substantively	Remarks
1	2	3	4	5	6	7	8
1.	Shri J. A. A. Gon-salves	neither	23-7-1931	30-11-1961		Holding the post of Executive Engineer (Elec) by absorption.	Prior to absorption he was working in Panaji Power House, which was taken over by Govt. on 1-8-1964.
2.	Shri S. R. Shinkre	neither	25-10-1936	3-1-1973	No. F 1/4/18/72-A(IV)/dated 3-1-1973	—	Prior to absorption he was working in Panaji Power House.
3.	Shri U. B. Madihalli	neither	6-1-1938	4-6-1977	No. F.1/13(1)/77-AU. II/AU. III/ /dated 4-6-1977	—	—

Order

No. 24/7/81-ILD

In exercise of the powers conferred by rule 21 of the Goa, Daman and Diu Employees State Insurance (Medical Benefit) Rules 1975 (hereinafter called the "said rules") the Government of Goa, Daman and Diu hereby sets up the Medical Service Committee for the purpose of the said rule consisting of the following members for the whole of the area comprising the Union Territory of Goa, Daman and Diu.

- 1) The Dy. Director of Health Services (Public Health) — Chairman.
- 2) Shri Mohan Nair, Representative of INTUC — Member.
- 3) Shri E. M. Joseph, Representative of Hind Mazdoor Sabha — Member.
- 4) Dr. V. M. Surlakar, Representative of Insurance Medical Practitioner — Member.
- 5) Dr. J. S. N. Raikar, Representative of Insurance Medical Practitioner — Member.
- 6) The Regional Dy. Medical Commissioner (W. Z.) Bombay, Nominee of ESI Corporation — Member.
- 7) The Administrative Medical Officer, Panaji — Member Secretary.

By order and in the name of the Administrator of Goa, Daman and Diu.

S. D. Sadhale, Under Secretary (Industries and Labour).

Panaji, 26th September, 1983.

Notification

No. 28/27/83-ILD

Whereas the Government of Goa, Daman and Diu is satisfied that the public interest so requires that the industry engaged in the transport for carriage of passengers or goods by land (hereinafter called as the "said industry") should be declared to be a public utility service for the purposes of the Industrial Disputes Act 1947 (Central Act 14 of 1947).

Now, therefore, in exercise of the powers conferred by sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act 1947 (Central Act 14 of 1947), the Lieutenant Governor of Goa, Daman and Diu hereby declares the said industry to be a public utility service for the purposes of the said Act for a period of six months with effect from the date of publication of this notification in the Official Gazette.

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

S. D. Sadhale, Under Secretary (Industries and Labour).

Panaji, 24th September, 1983.

Order

No. 28/2/79-ILD

The following Awards given by the Industrial Tribunal, Goa, Daman and Diu are hereby published as required under the provisions of Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947).

By order and in the name of the Administrator of Goa, Daman and Diu.

S. D. Sadhale, Under Secretary (Industries and Labour).

Panaji, 20th September, 1983.

IN THE INDUSTRIAL TRIBUNAL GOA, DAMAN & DIU, PANAJI-GOA

(Before Dr. Renato de Noronha, Hon'ble Presiding Officer)

Reference No.: IT/10/83

1. Shri Ramdas K. Loliengar — Applicants
2. Shri Ramchand R. Prabhu Desai

V/s.

1. M/s. Canacona Taluka Farmer's Service Co-operative Society Limited — Opponent

Applicants represented by Adv. A. Nigalye.

Panaji. Dated: 7-9-1983

REPORT

This is a reference made to this Tribunal by the Govt. of Goa, Daman and Diu, by its Order No. 28/21/81-ILD dated 8th February, 1983. The schedule annexed to the order of reference reads as follows:

"Whether the action of M/s. Canacona Taluka Farmers' Service Co-operative Society Limited, Canacona-Goa, in reducing the wages of its workmen S/Shri Ramdas K. Loliengar and Ramchand R. Prabhu Dessai, both Branch Managers, with effect from 1st day of the month of October, 1978 than what was paid for in the month of March 1978 to September 1978, is justified?

If not, to what relief the workmen are entitled?"

2. The case of the workmen, as per their statement of claim, is as follows:

The workmen in question were employed in the service of the employer as Branch Managers. Although the designation was branch managers, they were mainly employed in clerical capacity and, as such, they are 'Workmen', as defined under Section 2(s) of the I. D. A., 1947, in short the Act. The wages paid by the employer/society to these workmen were abnormally low. After persistent demands on the Management of the employer/society to raise their wages, finally their wages were raised somewhere in March 1978. The wages of the other workers were simultaneously increased. As a result of this increase, the wages of Ramdas Loliengar which was Rs. 330.00 in February 1978 stood at Rs. 412.50 in March 1978 and the wages of Shri Ramchandra Prabhu Desai which was at Rs. 245.00 in February 1978 stood at Rs. 318.50 in March 1978. Hence, there was an increase of Rs. 82.50 regarding Ramdas and Rs. 73.50 regarding Ramchandra. Such rise was given by the Management in order to compensate the rising cost of living of its employees. However, without any justification, the Management illegally reduced the wages of all the workmen in October 1978 and brought them to the wage level existing in February 1978. The workmen protested against such action of the employer, but without any result. They then approached the Labour Commissioner and since the conciliation proceedings failed, the Government has referred this matter to this Tribunal for adjudication. It is the contention of the workmen that the employer/society, while reducing the wages of their workmen, has committed an act illegal and unjustified, because it amounts to change in condition of work of the workmen without complying with the conditions laid down under Section 9(a) of the Act. No reason has been adduced by the Management to take such action against the employees. They have prayed that the reduction of their wages made by the Management be declared illegal and unjustified and to direct the Management to pay the deducted amount from October 1978 till date with interest and costs.

3. The employer/society, although duly served, chose to remain absent and also did not file any written statement. The case, therefore, proceeded ex-parte regarding the said society.

4. Date was fixed for ex-parte evidence of the workmen but, on that date, both the workmen failed to remain present. Although the case was adjourned twice, at the request of the workmen's representative, they did not turn up on the dates fixed.

5. As there is no evidence before the Tribunal led by any of the parties, this Tribunal is not in a position to answer to this reference in one way or the other. Hence, this report to the Government with a request that this reference may be treated as disposed off.

Dr. Renato de Noronha
Presiding Officer
Industrial Tribunal

**IN THE LABOUR COURT GOA, DAMAN & DIU,
PANAJI GOA**

(Before Dr. Renato de Noronha, Hon'ble Presiding Officer)

Application No.: LCC/42/80

1. Kum. Neeta Mardolkar — Applicant
V/s.

1. Shri V. P. Raikar — Opponents

2. M/s. Fomento Barges Pvt. Ltd.

Opponent represented by Shri Ramesh Desai, Labour Advisor.

Panaji. Dated: 7-9-1983

AWARD

This is an application under Section 33C(2) of the I.D.A., 1947, in short the Act, filed by the above applicant against the above opponents, claiming from the latter ex-gratia payment at the rate of 11.66 p.c. in addition to bonus paid by the opponents to other employees in the Organisation in the year 1978, amounting to Rs. 715.57.

2. It is applicant's case that she, in her capacity as an employee of the opponents, is entitled to the amount above mentioned. The opponents have paid to the employees of the Organisation, towards bonus for the financial year 1978-79, at the rate of 8.33 p.c., statutory bonus as per the payment of Bonus Act and an additional amount at 11.66 p.c. as ex-gratia payment. This amount has been paid to all the employees in the Organisation except to the staff working at the H.O. Under the agreement signed by the employees' Union with the opponents on 28-5-1979, the Management has agreed to consider and revise the facilities mainly relating to gratuity, bonus and leave travel concession, if such demands are considered/sanctioned or revised to the employees of the establishment outside the H.O. to maintain the parity. Notice of demands was served on the opponent but they have not accepted it.

3. In their written statement, the opponents raised a preliminary objection in respect of the jurisdiction of this court to entertain such ex-gratia payment for 1979-80, saying that that part of the applicant's claim is in the nature of a substantive industrial dispute which cannot be entertained in an application under Section 33C(2) of the Act and has to be disposed off only upon a reference under section 10 of the Act.

On the merits, the opponents admit that they have paid bonus to the employees of the Organisation for the years 1978-79 at the rate of 8.33 p.c. but, regarding the additional amount of 11.66 p.c. as ex-gratia, they say that it has been paid to some establishments of the employer under settlement/agreement enforceable to such establishments only. The employees of the H.O. are having different sets of conditions of service than the other employees of various establishments for the last many years, and these employees of different establishments are also covered under different labour laws depending on the categories of the establishments and other circumstances.

In short, the opponents deny that the applicant is entitled to the amount claimed under the agreement referred to by the applicant.

4. Following preliminary issue was framed:

"Whether the opponent proves that part of the applicant's claim is a substantive industrial dispute and can only be disposed off by a reference under section 10 of the Act?"

5. The applicant's representative, Shri K. V. Nadkarni, withdrew from the case and so notice was sent to the applicant in person to remain present. On the date fixed, the applicant failed to appear and so the case proceeded ex-parte against her. The opponents rep. Shri Ramesh Desai stated to the court that he did not want to lead any evidence in this case and

would argue the matter on the basis of the evidence brought on record by him in case No. LCC/43/80 which is similar to this case. On the basis of this, he advanced his arguments.

6. I shall now consider the preliminary issue which goes to the root of jurisdiction of this court regarding the applicant's claim to ex-gratia payment alleged to have been made by the opponents to other establishments outside the Head Office.

7. The applicant, in her application, has stated that her right flows from the agreement dated 28-5-1979 (Exh W-1) which agreement is admitted by the opponents.

Clause 4 of the said agreement is in respect of the payment of difference in bonus/ex-gratia for the accounting years 1976-1977 and 1977-1978 on the basis of actual earnings.

Clause 18 of the agreement has a part which reads as follows:

"In case there are any doubts about the interpretation of any of the terms of this settlement, it is agreed that the Union representatives would discuss the issues to arrive at amicable settlement. It is agreed between the parties to consider and revise the facilities relating to gratuity, bonus and leave travel concession which are presently considered as settled by this Agreement, if similar demands are accepted/sanctioned or revised to the employees of this Establishment outside Head Office. The Management agreed to modify and revise the above facilities to Head Office to maintain the parity."

Under this clause the Management has agreed to consider and revise the facilities relating to gratuity, bonus etc. if similar demands are accepted/sanctioned or revised to the employees of the establishment outside the H. O. The Management, agreed to modify and revise the above facilities to the H.O. to maintain the parity.

8. The opponents have admitted in their written statement that they have paid ex-gratia bonus at the rate of 11.66 p.c. for the year 1978-1979 but, according to them, such ex-gratia was paid to some establishments under settlement/agreement enforceable to such establishments only. The applicant has not denied this fact in his rejoinder and also has not led any evidence to show that all other establishments of the opponent outside the H.O. were paid such ex-gratia without any settlement/agreement enforceable to such establishments only.

9. The part of the clause 18 of Exh. W-3 or O-2 referred to above does not state that whatever facilities relating to gratuity, bonus etc. are sanctioned or revised to the employees of the establishment outside the H.O., such revised facilities will also be extended to the H.O. staff. Under the above clause, the Management agreed to consider and revise. Therefore, from the above clause the applicant cannot claim any existing right. His right is only to get, through the Union, the said clause implemented by the Management by considering and revising the payment of ex-gratia bonus to the H.O. staff on the ground that other establishments of the opponents outside the H.O. have been given such facility. Till such thing is done the applicant cannot claim any existing right to such payment which can be entertained in an application under Section 33C(2) of the Act. The existing right will come only after an award given by the Industrial Tribunal on the basis of a reference made to it by the Government on this issue.

10. In view of the above, I uphold the preliminary objection raised by the opponents that the applicant's claim to ex-gratia is a substantive industrial dispute which cannot be disposed off except by a reference under Section 10 of the Act.

11. In view of all that has been stated above, I pass the following order:

ORDER

The prayer of the applicant in respect of ex-gratia payment in addition to bonus is dismissed on the ground of lack of jurisdiction of this Court to entertain such prayer in an application under Section 33C(2) of the Act.

In the circumstances of the case, I leave each party to bear its own costs.

Dr. Renato de Noronha
Presiding Officer
Labour Court

**IN THE LABOUR COURT GOA, DAMAN AND DIU,
PANAJI GOA**

(Before Dr. Renato de Noronha, Hon'ble Presiding Officer)

Application No.: LCC/43/80

1. Shri Allan Fonseca — Applicant
V/s.

1. Shri Modu Timblo & Others — Opponent

Applicant represented by Shri K. V. Nadkarni, Labour Consultant.

Opponent represented by Shri Ramesh Desai, Labour Advisor.

Panaji. Dated: 5-9-1983

AWARD

This is an application under Section 33C(2) of the I. D. A., 1947, in short the Act, filed by the above applicant against the above opponent claiming from the latter ex-gratia payment at the rate of 11.66 p.c. in addition to bonus paid by the opponent to other employees in the Organisation in the year 1978, amounting to Rs. 602-87 and medical benefits for 1979 and 1980 amounting to Rs. 400/-, in all totalling Rs. 1,002.80.

2. It is applicant's case that he, in his capacity as an employee of the opponents, is entitled to the amounts above mentioned. The opponents have paid to the employees of the Organisation, towards bonus for the financial year 1978-79, at the rate of 8.33 p.c., statutory bonus as per the payment of Bonus Act and an additional amount at 11.66 p.c. as ex-gratia payment. This amount has been paid to all the employees in the Organisation except to the staff working at the H. O. Under the agreement signed by the employees' Union with the opponents on 28-5-1979, the Management has agreed to consider and revise the facilities, mainly relating to gratuity, bonus and leave travel concession, if such demands are considered/sanctioned or revised to the employees of the establishment outside the H. O. to maintain the parity. Notice of demands was served on the opponents but they have not accepted it. Similarly, the opponents, as per clause 5 of the said agreement, are bound to pay him medical benefits for the year 1979-1980 at the rate of Rs. 200/- per year.

3. In their written statement, the opponents raised a preliminary objection in respect of the jurisdiction of this court to entertain such ex-gratia payment for 1979-1980, saying that that part of the applicant's claim is in the nature of a substantive industrial dispute which cannot be entertained in an application under Section 33C(2) of the Act and has to be disposed off, only upon a reference under Section 10 of the Act.

On merits, the opponents admit that they have paid bonus to the employees of the Organisation for the years 1978-79 at the rate of 8.33 p.c. but regarding the additional amount of 11.66 p.c. as ex-gratia, they say that it has been paid to some establishments of the employer under settlement/agreement enforceable to such establishments only. The employees of the H. O. are having different set of condition of service than the other employees of various establishments for the last many years, and these employees of different establishments are also covered under different labour laws depending on the categories of the establishments and other circumstances.

Regarding the medical benefits, it is stated that, since the applicant has not produced any medical bills to prove his sickness or of his family members, he cannot claim any amount on this count.

In short, the opponents deny that the applicant is entitled to the amounts claimed under the agreement referred to by the applicant.

4. In his rejoinder, the applicant maintains his stand earlier taken in the application and states that this court has jurisdiction to entertain the application without any reference under section 10 of the Act, since the opponents, in the agreement referred to in the application, had agreed to maintain parity of benefits of the H. O. staff within the same organisation. The applicant's claim, therefore, is based on an existing right flowing from the said agreement. Regarding medical benefits, it is contended that he has submitted the medical bills from time to time, but they have not been settled.

5. Following preliminary issue was framed:

"Whether the opponent proves that part of the applicant's claim is a substantive industrial dispute and can only be disposed off by a reference under Section 10 of the Act?"

6. At the request of both the parties to record evidence on merits and to dispose off the preliminary issue at the time of the award, evidence was recorded and, finally, arguments of both the representatives heard.

7. I shall consider first the preliminary issue, which goes to the root of jurisdiction of this court regarding the applicant's claim to ex-gratia payment, alleged to have been made by the opponents to the other establishment outside the H.O.

8. It is contended by the applicant that his claim is based on an existing right, which flows from the agreement dated 28-5-1979 (Exh W-3 or O-2), which agreement is admitted by the opponents.

Clause 4 of the said agreement is in respect of the payment of difference in bonus/ex-gratia for the accounting years 1976-1977 and 1977-1978 on the basis of actual earnings.

Clause 18 of the agreement has a part which reads as follows:

"In case there are any doubts about the interpretation of any of the terms of this settlement, it is agreed that the Union representatives would discuss the issues to arrive at amicable settlement.

It is agreed between the parties to consider and revise the facilities relating to gratuity, bonus and leave travel concession which are presently considered as settled by this Agreement, if similar demands are accepted/sanctioned or revised to the employees of this Establishment outside Head Office. The Management agreed to modify and revise the above facilities to the Head Office to maintain the parity."

Under this clause the Management has agreed to consider and revise the facilities relating to gratuity, bonus etc. if similar demands are accepted/sanctioned or revised to the employees of the establishment outside the H.O. The Management, agreed to modify and revise the above facilities to the H. O. to maintain the parity.

9. The opponents have admitted in their written statement that they have paid ex-gratia bonus at the rate of 11.66 p.c. for the year 1978-1979 but, according to them, such ex-gratia was paid to some establishments under settlement/agreement enforceable to such establishments only. The applicant has not denied this fact in his rejoinder and also has not led any evidence to show that all other establishments of the opponent outside the H. O. were paid such ex-gratia without any settlement/agreement enforceable to such establishments only.

10. The part of the clause 18 of Exh W-3 or O-2 referred to above does not state that whatever facilities relating to gratuity, bonus etc. are sanctioned or revised to the employees of the establishment outside the H. O., such revised facilities will also be extended to the H. O. staff. Under the above clause, the Management agreed to consider and revise. Therefore, from the above clause the applicant cannot claim any existing right. His right is only to get, through the Union, the said clause implemented by the Management by considering and revising the payment of ex-gratia bonus to the H. O. staff on the ground that other establishments of the opponents outside the H. O. have been given such facility. Till such thing is done, the applicant cannot claim any existing right to such payment, which can be entertained in an application under Section 33C(2) of the Act. The existing right will come only after an award given by the Industrial Tribunal on the basis of a reference made to it by the Government on this issue.

11. In view of the above, I uphold the preliminary objection raised by the opponents that the applicant's claim to ex-gratia is a substantive industrial dispute, which cannot be disposed off except by a reference under Section 10 of the Act.

12. Considering now the other part of the application in respect of the applicant's claim to medical benefits for the year 1979 and 1980.

13. The opponents do not deny that, under the said agreement, the applicant is entitled to such benefits, but contend that the applicant has not produced any bills to claim benefits for his sickness or of his family members.

14. In the evidence led by the applicant also there is no statement except that of the applicant himself to the effect that such bills were submitted to the Management and not paid by them. If, in the opponents establishment there was no practice to issue any acknowledgement after the receipt of such or other bills, as shown by the applicant through his evidence, the applicant had to prove by other means at his disposal that, in fact, such bills were submitted to the opponents, which he has failed to do.

15. It is true that the applicant has produced 2 medical certificates one of Dr. Krishna Murthy (X-1) and the other of Dr. P. Sequeira (X-2). These certificates which, otherwise, were not admitted in evidence as they have not been proved by the Doctors who had issued them, only refer to the treatment received by the applicant in February 1979 for his neck trouble and in January 1980, respectively. There is no mention in the certificate of the amount paid by the applicant to the said doctors. But even if such amounts were mentioned, this by itself would not be sufficient to support the applicant's claim because he would have to prove that the said details were submitted to the office, which he has failed to do.

16. In view of all that has been stated above, I pass the following order:

ORDER

The prayer of the applicant in respect of ex-gratia payment in addition to bonus is dismissed on the ground of lack of jurisdiction of this court to entertain such prayer in an application under Section 33C(2) of the Act.

The other prayer claiming medical benefits is also dismissed, in the absence of sufficient evidence to prove it.

In the circumstances of the case, I leave each party to bear its own costs.

Dr. Renato de Noronha
Presiding Officer
Labour Court

Order

No. 28/2/79-ILD

The following Awards given by the Industrial Tribunal, Goa, Daman and Diu are hereby published as required under the provisions of Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947).

By order and in the name of the Administrator of Goa, Daman and Diu.

S. D. Sadhale, Under Secretary (Industries and Labour).

Panaji, 23rd September, 1983.

IN THE LABOUR COURT GOA, DAMAN AND DIU, PANAJI GOA

(Before Dr. Renato de Noronha, Hon'ble Presiding Officer)

Application No. LCC/6/83

1. Kum. Nalini N. Naik — Applicant
V/s.

1. The Goa Co-operative Marketing & Supply Federation Ltd. — Opponent

Applicant represented by Shri Arun Nigalye, Vice President of All Goa Co-operative Workers' Union.

Panaji. Dated: 14-9-1983

AWARD

This is an application under Section 33C(2) of the I.D.A., 1947, in short the Act, filed by the above applicant against the above opponent, claiming from the latter a total amount of Rs. 8,573-54 with interest at the rate of 12 p. c. per annum and costs as per the details given in the annexure to the application.

2. It is applicant's case that she was employed in the services of the opponent as a Helper. On 20-3-1980, the opponent illegally suspended her, levelling false and baseless charges. She still continues under suspension. During the period of suspension she started receiving Rs. 103/- per month as subsistence allowance, corresponding to 50 p. c. of her wages on the date of suspension. After completion of 3 months of suspension, i.e. from June 1980, she is entitled to receive 75 p. c. of her wages as subsistence allowance. However, the opponent refused to pay her that amount. Besides, by virtue of the settlement entered into between the opponent and the Union of the applicant, the wages of all the employees have been revised w.e.f. 1-4-1980. The said settlement also applies to the applicant and so she is entitled to receive monetary benefits in terms of the said settlement. She is further entitled to receive an ex-gratia payment at the rate of 8.33 p. c. of her wages for the year 1979-80, amounting to Rs. 280/-, which has been paid to other employees of the opponent.

3. The Opponent did not file any written statement. On the date fixed for evidence, the opponent remained absent but the applicant moved an application stating that the matter is likely to be settled between the parties and praying for time. On the next date fixed, the representative of the applicant filed an application praying that she may be allowed to withdraw the case on the ground that the opponent has already reinstated her in services and agreed to pay her full back wages from the date of suspension till the date of reinstatement.

4. Since the applicant wants to withdraw her application claiming her dues, I grant the said withdrawal and dismiss the said application, with no order as to costs.

Dr. Renato de Noronha
Presiding Officer,
Labour Court.

IN THE LABOUR COURT GOA, DAMAN & DIU, PANAJI GOA

(Before Dr. Renato de Noronha, Hon'ble Presiding Officer)

Application No.: LCC/5/83

1. Shri Rohidas S. Naik — Applicant

V/s.

1. The Goa Co-op. Marketing & Supply Federation Ltd. — Opponent

Applicant represented by Shri Arun Nigalye, Vice President of All Goa Co-operative Workers' Union.

Panaji. Dated: 14-9-1983

AWARD

This is an application under Section 33C(2) of the I.D.A., 1947, in short the Act, filed by the above applicant against the above opponent, claiming from the latter a total amount of Rs. 6,880-26 with interest at the rate of 12 p. c. per annum and costs as per the details given in the annexure to the application.

2. It is applicant's case that he was employed in the services of the opponent as a Helper. On 29-12-1979, the opponent illegally suspended him, levelling false and baseless charges. He still continues under suspension. During the period of suspension, he started receiving Rs. 140/- per month as subsistence allowance corresponding to 50 p. c. of his wages on the date of suspension. After completion of 3 months of suspension, i.e. from April 1980, he is entitled to receive 75 p. c. of his wages as subsistence allowance. However, the opponent had refused to pay him that amount. Besides, by virtue of the settlement entered into between the opponent and the Union of the applicant, the wages of all the employees have been revised w.e.f. 1-4-1980. The said settlement also applied to the applicant and so he is entitled to receive a substantially higher quantum of wages. He is further entitled to receive an ex-gratia payment at the rate of 8.33 p. c. of his wages for the year 1979-80, amounting to Rs. 280/-, which has been paid to other employees of the opponent.

3. Before any written statement was filed by the opponent, the applicant moved an application to withdraw his original application on the ground that the opponent has now revoked his suspension and reinstated him in services w.e.f. 17-8-1983. They have also agreed to pay him the back wages from the date of suspension till the date of reinstatement. In view of this, he does not want to proceed with this application and has prayed that he may be allowed to withdraw it.

4. Since the applicant wants to withdraw his application claiming his dues, I grant the said withdrawal and dismiss the said application with no order as to costs.

Dr. Renato de Noronha

Presiding Officer,

Labour Court,

Order

No. 28/2/79-ILD

The following Award given by the Industrial Tribunal, Goa, Daman and Diu is hereby published as required under the provisions of Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947).

By order and in the name of the Administrator of Goa, Daman and Diu.

S. D. Sadhale, Under Secretary (Industries and Labour).

Panaji, 26th September, 1983.

IN THE INDUSTRIAL TRIBUNAL GOA, DAMAN & DIU, PANAJI GOA

(Before Dr. Renato de Noronha, Hon'ble Presiding Officer)

Reference No.: IT/27/82

1. Shri Minguel Jose Rebello — Workman/Party I
V/s.
1. M/s. Goa Sintered Products Private — Employer/Party II
Limited

Employer/Party II represented by Shri B. G. Kamat, Labour Advisor.

Panaji. Dated: 16-9-1983

AWARD

This is a reference made to this Tribunal by the Govt. of Goa, Daman and Diu, by its order No. 28/26/81-ILD dated 24th May, 1982. The schedule annexed to the Order of Reference reads as follows:

"Whether the action of the management of M/s. Goa Sintered Products Pvt. Ltd., Curtorim in terminating the services of Shri Minguel Jose Rebello, Operator-cum-Helper with effect from 10-4-1981 is legal and justified.

If not, to what relief the workman is entitled to?"

2. The workman's case, as per his statement of claim, is that he was employed by the employer/party II, from 21-2-1979 as Operator-cum-Helper and was given appointment letter in the pay scale of 7.00-00.25-10.00 per day on 1-1-1980. On 10-4-1981, the Managing Director of the said company, Mr. Anil G. Lotlikar, debarred him from attending duties as usual and told him that his services have been terminated with immediate effect. He wrote a letter to the employer and told him that he should have given him sufficient days notice or compensation as per clause VII of the appointment letter and requested to inform the reasons for termination. He did not get any reply to this letter. The matter was then taken before the Asstt. Labour Commissioner, Panaji, but no settlement could take place as the Managing Director did not respond to a single notice. Then the Asstt. Labour Commissioner advised the workman to approach the Industrial Tribunal-cum-Labour Court for further action. It is prayed that the termination of his services may be declared as illegal and unjustified and he reinstated in service with full back wages from 1st April, 1980.

3. In its written statement, the employer has denied that the workman was debarred from attending duties, as contended by him. The workman remained absent without leave from 8-4-1981 continuously for more than 15 days and so under clause 3(V) of the letter of appointment, it was deemed that he has abandoned the services. The workman's services were never terminated by the employer. Under the clause referred to above, he is deemed to have voluntarily abandoned the services and so he is not entitled to any relief.

4. The workman did not file any rejoinder, nor did he remain present at the time of settlement of issues or for the hearing. The case proceeded ex-parte against him.

5. In his statement before the Tribunal, the employer reproduced the contents of his written statement and clarified to the court that he did not send any notice to the workman to find out as to why he did not report for duty, nor did he institute any inquiry proceedings in connection with the said absence. He further stated that he did not pay any compensation to the workman because the workman did not turn up.

6. This statement of the employer has gone unrebutted for want of cross-examination.

7. Since the assertion of the employer that it is the workman who has abandoned the services voluntarily has gone unchallenged, I pass the following order:

ORDER

The termination of the services of the workman for abandonment is justified. This is my answer to the reference. In the circumstances of the case, I leave each party to bear its own costs.

Dr. Renato de Noronha

Presiding Officer

Industrial Tribunal

Corrigendum

No. 2-106-72-IPD

Read: Order No. 2-106-72-IPD dated 5th July, 1977 promoting Shri U. B. Madihalli to the post of Executive Engineer (Electrical).

In the above referred Order, for the expression "with effect from the date of issue of this Order", the expression "with effect from 4-6-1977" shall be substituted.

By order and in the name of the Administrator of Goa, Daman and Diu.

S. D. Sadhale, Under Secretary (Ind. & Labour).

Panaji, 15th September, 1983.

Finance Department (Revenue and Control)

Notification

No. 3/2/83-FIN(R&C)Part file

In exercise of the powers conferred by sub-section (3) of Section 5 of the Goa, Daman and Diu Entertainment Tax Act, 1964, Government is pleased to exempt from the payment of Entertainment Tax for a period from 23-9-1983 to 22-12-1983 the tickets issued for screening of the film "VIJETA" throughout the Union Territory of Goa, Daman and Diu to M/s. Hira Film Exhibitors, Panaji subject to the following conditions:—

1. The rate of admission tickets shall be reduced to the extent of entertainment duty payable in each admission tickets.

2. The proprietor shall maintain separate account regarding the tickets issued and submit them to the Commissioner of Entertainment Tax, Panaji within one month after screening the last show of the film at each place.
3. This order shall be exhibited in a prominent position at the public entrance to the place of entertainment at the time the public are admitted during the entertainment.
4. This notification is effective for a period from 23-9-1983 to 22-12-1983.

By order and in the name of the Administrator of Goa,
Daman and Diu.

Subhash V. Elekar, Under Secretary (Finance).

Panaji, 22nd September, 1983.

Law Department (Establishment)

Notifications by the High Court of Judicature,
Appellate Side, Bombay

No. A. 3902 (i) (G)/83

The Honourables, the Chief Justice and Judges, are pleased to grant Shri N. A. Britto, Civil Judge (Junior Division) and Judicial Magistrate, First Class, Panaji (B) Court, earned

leave for 13 days from 21 October, 1983 to 2 November, 1983 with permission to suffix Diwali holidays on 3 to 5 and Sunday on 6 November, 1983 thereto.

On return from leave Shri Britto is reposted as Civil Judge (Junior Division), and Judicial Magistrate, First Class, Panaji (B) Court.

High Court, Appellate Side,
Bombay, 21 September, 1983.

S. M. Daud
Registrar

No. A.3902(i)(G)/83

The Honourables, the Chief Justice and Judges, are pleased to grant Shri V. P. Shetye, Civil Judge, Senior Division and Chief Judicial Magistrate, Panaji, earned leave for 14 days from 20 October, 1983 to 2 November, 1983 with permission to suffix Diwali holidays on 3 to 5 and Sunday on 6 November, 1983 thereto.

On return from leave Shri Shetye is reposted as Civil Judge, Senior Division and Chief Judicial Magistrate, Panaji.

High Court, Appellate Side,
Bombay, 21 September, 1983.

S. M. Daud
Registrar.